

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : NAKAGAWA, Susumu  
Serial No. : 09/894,628  
For : CONTENT CONTROL METHOD, CONTENT  
CONTROL DEVICE AND PROGRAM STORAGE  
MEDIUM FOR STORING CONTENT CONTROL  
PROGRAM TO CONTROL THE CONTENTS  
Filed : June 28, 2001  
Examiner : Le, Nancy Loan T.  
Art Unit : 3621  
Confirmation No. : 6151

**FILED VIA EFS-WEB  
ON OCTOBER 6, 2011**

**RENEWED PETITION UNDER 37 CFR 1.137(b)  
TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicants respectfully request reconsideration and grant of the April 7, 2011 Petition

Under 37 C.F.R. § 1.137(b) To Revive an Unintentionally Abandoned Application 7/23/09 by CMLDK

which is enclosed herewith.  
Refund Ref: 0030103356  
10/17/2011

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Frommer Lawrence & Haug LLP  
745 Fifth Avenue  
New York, NY 10151  
212-588-0800

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## **FACTS AND REMARKS**

The September 29, 2011 Decision on Renewed Petition indicated that the September 29, 2011 Renewed Petition was grantable under 37 C.F.R. §1.137(b) but for the submission of the required reply such as, for example, a Request for Continued Examination (RCE). Specifically, the Decision indicated that the August 8, 2011 Petition satisfied three of the four requirements of 37 C.F.R. §1.137(b) by the filing a statement that the “entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional,” the required Petition fee, and any terminal disclaimer. The remaining requirement was not satisfied due to an inadvertent omission of the required reply.

Accordingly, submitted herewith is

- a copy of the September 29, 2011 Decision;
- a copy of the original April 7, 2011 Petition; and
- the required reply in the form of a RCE including a Preliminary Amendment to perfect submission within the meaning of 37 C.F.R. 1.114.

Petitioners note that all fees were previously submitted with the original petition and first renewed petition to revive

## **CONCLUSION**

Applicants respectfully request that the April 7, 2011 Petition, as enclosed herewith, be reconsidered and granted for those reasons set forth in the September 29, 2011 Decision, as supplemented by the accompanying Request for Continued Examination.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

The Commissioner is authorized to charge any deficiency or credit any overpayment in these fees for this paper to Deposit Account No. 50-0320. And the USPTO is invited to contact the undersigned if there are any issues remaining as an impediment to granting the petition.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>10/11/11</u>		2 Serial/Patent # <u>098946287</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing (2007)			\$						
	Amendment			\$						
	Extension of Time (2253)			\$						
	Notice of Appeal/Appeal			\$						
	Petition (1453)		08/08/11	\$ 1,620.00						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
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	Assignment			\$						
X	Other (1801)		10/06/11	\$ 930.00						
			7 TOTAL AMOUNT OF REFUND	\$ 2,550.00						
			8 TO BE REFUNDED BY: CC							
			X	Treasury Check						
			Credit Deposit A/C #:							
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10 REASON:										
	Overpayment									
	Duplicate Payment									
X	No Fee Due (Explanation):									
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Charlema Grant</u>		TITLE: <u>Atty</u>								
SIGNATURE: <u>/Charlema Grant/</u>		PHONE: <u>X-3215</u>								
OFFICE: <u>OP</u>										
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